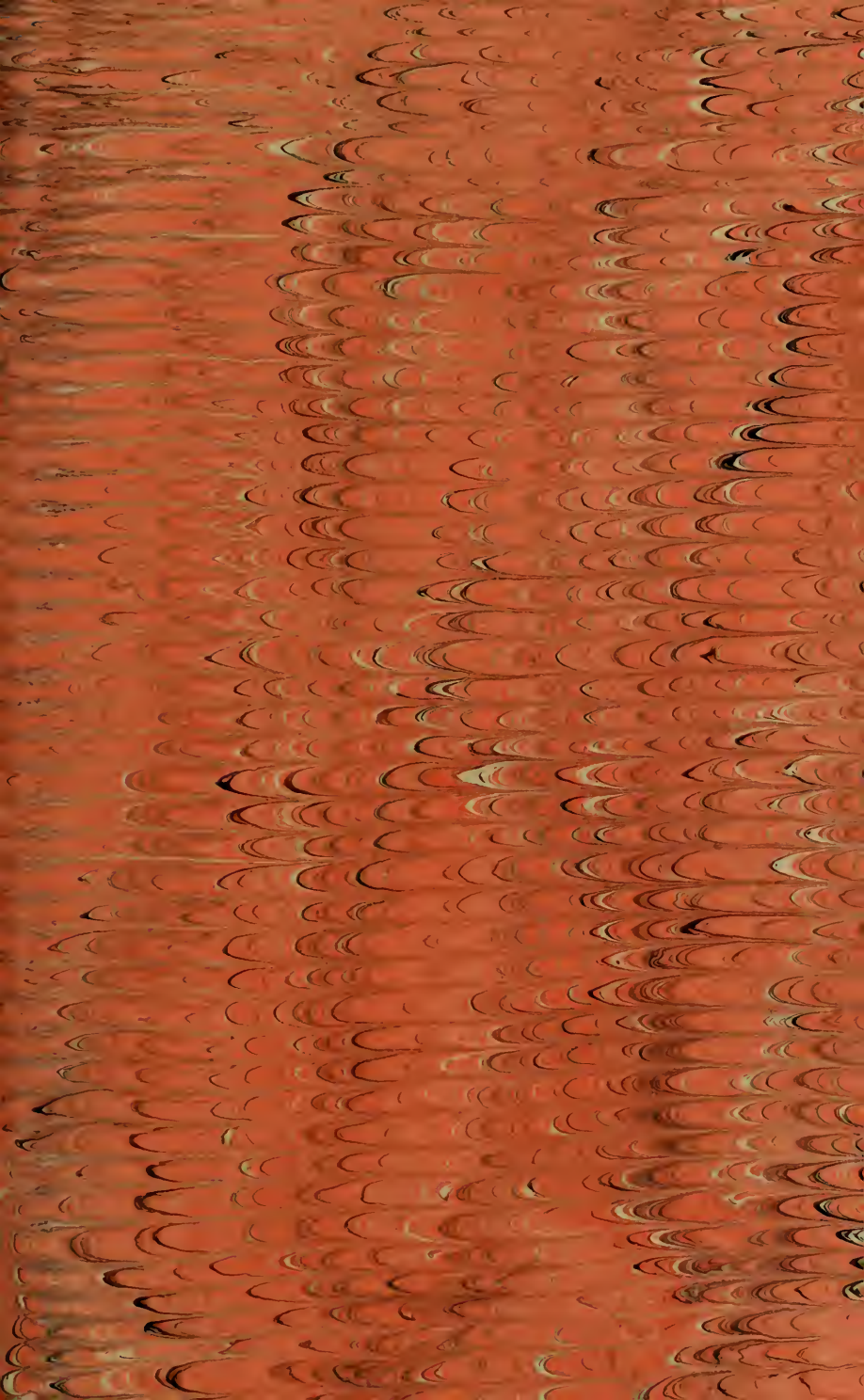




SPECIAL
COLLECTIONS



DOUGLAS
LIBRARY

QUEEN'S UNIVERSITY
AT KINGSTON

KINGSTON ONTARIO CANADA



A
L E T T E R
C O N C E R N I N G
P R E R O G A T I V E.

Addressed to

C——r N——n, Esq;



A
L E T T E R
C O N C E R N I N G
P R E R O G A T I V E.

Addressed to

C——r N——n, Esq;

Great Claims are HERE made, and great Secrets
are known,
And the KING and the LAW and the THIEF
has his own.

BALLAD, *Derry Down.*

Would the Clergy no longer intermeddle with Worldly Mat-
ters, either in COURT or PARLIAMENT;——Then the
GRAND OPPRESSOR would despair of DIVIDING and RUIN-
ING Us.——TRUTH would revive, Piety flourish, Honesty
prevail, Hypocrisy be banished, BRIBERY cease, Infidelity
be ashamed, FACTION vanish, and the Government be
made safe and easy. *Whiston's Supposal, p. 146, 147.*



D U B L I N:

Printed by T. COOPER. In the Year M,DCC,LV.

HC 911.1755.246

A
L E T T E R

CONCERNING
PREROGATIVE, &c.

S I R,

Jan 1187 #341
NOT for your Information, but to justify, and give Sanction to, the Doctrine and Principles maintained in the following Paper, it is that I address myself to you ; when I sit down to enquire, how far that PERQUISITE of Magistracy, called Prerogative, may be said to arise from the Nature, State and Condition of Man, and the legitimate End of Society ; from whence, perhaps, we may be able to obtain such Notions of particular Points, supposed to range themselves under this Denomination, that by comparing them with the Principles on which it is founded, a true Decision may be made of the Reality of their Pretensions. Man, little qualified for that supreme Happiness, which Solitude affords Contemplation and Independance, is a naked and a needy Animal ; his
Wants

Dec 1187 #207
Mealey
10/1/87

Wants many, his Means little.—Yet is he not altogether destitute.—An Heir to Reason, and Labour is his Portion.—By Sagacity and Toil, he must supply himself with those Things, whereof he hath Occasion, and for which Nature has made no Provision.—But still his Abilities and Capacities are circumscribed; though if not his Necessities, at least his Appetites, are endless and without Bounds.

THE Faculties, Tendencies, and Performances of Men are various as their Faces; which supposes, with the Idea of their Existence, a reciprocal Exchange of the Superfluities of one Man's Labour for the Surcharge of another's, whereof he stands in Need.

THUS Men become sociable; mutual Support and Assistance being made necessary to each by their natural Poverty and diverse Pursuits. (*a*)

HOWEVER, this Sociability arising from Want, supposeth no Subordination; with Respect to his Will and his Actions, Man is still independent and free.—He may do, or not do, in all Cases at Pleasure; whence it naturally follows, that if one Man be stronger than another, he has no Restraint but his Reason, to withhold him from

(*a*) Forasmuch as we are not, by ourselves, sufficient to furnish ourselves with a competent Store of Things, needful for such a Life as our Nature doth require; therefore to supply the Defects and Imperfections which are in us, living singly and solely by ourselves, we are naturally induced to seek Communion and Fellowship with others.

Hooker's Eccl. Pol. Sect. 1, p. 24.

seizing by Violence whatever the other shall be possessed of, that may make for his Use or Enjoyment ; and how feeble the Bridle of Reason is, to refrain the Impetuosity of turbulent Passions, let the human Heart declare. Seeing then, that to live in Society and mutual Commerce with each other, was not only for the Advantage, but even necessary to the very Being, of each and of all ; and that Men were prone to Rapine and Wrong : It behooved them therefore, in their cool and sober Intervals, to consider, how Violence might be prevented, Civility promoted, and the Benefit of each Man's Toil insured to his own particular Advantage.

AND hence arose the EVIL of Government; Individuals being obliged to abridge their natural Liberty of acting at Pleasure, and by mutual Compact and Agreement, enter into certain external Regulations conformable to Reason and Justice, by which they engaged to square their future Conduct. (*b*)

BUT by former Experience it had been found, that the Sanctions of Rectitude, and general Utility, were not sufficient to restrain the Passions and Appetites of Man, given as a Whet to Enjoyment, and spur to his Actions, when once

(*b*) To take away all such mutual Grievances, Injuries and Wrongs, there was no Way but by going into Composition and Agreement among themselves, by ordering some Kind of Government public, and by yielding themselves subject thereunto. Hooker's Eccl. Pol. Sect. 10, p. 25, l. 1.

they

they exceeded the Authority of Reason, their proper Guide and Director ; Prudence therefore provided, that Enforcements should be connected with these covenanted Rules and Standard of Action, which applying to the Passions (*c*) themselves, might compel them within the Bounds of their Duty. Now Fear being a Passion of powerful Influence, strongly to affect, this seemed the most probable Means of forcing Obedience ; for which Reason, by common Consent and Agreement, Punishments were annexed to the Transgression of Law, that is, of those Rules and Regulations, for which Individuals consented to renounce their natural Liberty and Independance, and to which submitting themselves, they were to be governed by.

YET still are these Laws a dead Letter ; no Method having been hitherto established for carrying them into Execution.—For who on Offenders shall inflict the Penalties incurred by Transgression ? Individuals may, of themselves, endeavour to maintain the Observance of Laws, by Admonition and Counsel ; but if a private

(*c*) Laws politick, ordained for external Order and Regiment amongst Men, are never framed as they should be, unless presuming the Will of Man to be inwardly obstinate, rebellious and averse from all Obedience to the sacred Laws of his Nature ; in a Word, unless presuming Man to be, in Regard to his depraved Mind, little better than a wild Beast.

Hooker's Eccl. Polit. lib. 1, sect. 10. p. 24.

or particular Person, should pretend to punish, (d) the Bands of Society must be dissolved by his Rashness; each then would think, and indeed justly, he hath an equal Right with his Neighbour, and like him having judged of the Offence, according to his own Prejudice and Fancy, would endeavour to exercise the Restraints of the Law, till at length the Community would become Confusion, and all return to their original Violence and Discord; or else one more mighty than the rest, having seized upon the Authority of ALL, would convert the free State into a Society of Slaves.

How then shall the Laws be administered, or in what Manner shall their Penalties be inflicted, seeing no private Person can exercise this Jurisdiction, and the Community is composed of none but private Persons, *i. e.* of such as are in all Respects equal?

FROM the common and universal Consent of all is derived the Authority of the Laws, not from the Appointment of any Individual; wherefore the Right of exercising this Authority is

(d) For though it be said, “ that every Man hath a Right “ to punish the Offender, and be Executioner of the Laws “ of Nature,” [Lock’s 2d Treatise concerning Government, p. 148.]—Yet it must be on a Supposition, that Men would act impartially and virtuously. Whereas we know that no Man might in Reason take upon him to determine his own Right, and according to his own Determination, proceed in Maintenance thereof; in as much as a Man is towards himself, and those he greatly affects, partial.

Hooker’s Eccl. Pol. lib. 1, sect. 10, p. 26.

vested only in those, whose Consent creates or gives Sanction to it. And yet it would be absurd for the People to pretend to the Exercise of this their own Authority, because of the Difficulty, if not Impossibility, there would be to convene them for every Occasion, as well as the Inconveniencies that must attend the Slowness of their Determinations, and Openness of their Councils. To guard against Usurpation or Confusion on the one Hand, and to enforce Obedience to the stipulated Laws and Conditions of Union on the other ; the Exercise of the Authority of the Laws, was NECESSARILY committed by the common Consent (*a*) of the People themselves to the Administration of one or a few, who being ever present, might superintend the Observation of the Laws, and command Obedience by inflicting the Punishments annexed to the Violation of them, with the whole Force as well as Authority of the Community ; the Office of exercising this Authority is called Magistracy, and the Executor Magistrate.

BUT as Man is a passionate, so is he a fallible Agent, of short Foresight, and limited Endowments ; many therefore must be the Cases for which no positive or established Law could

(*a*) Strifes and Troubles would be endless, unless they (the People) gave their common Consent, all to be ordered by some whom they shall agree upon.

Hooker's Eccl. Polit. lib. 1, sect. 10, p. 26.

have been by such Consent and Agreement provided. And as assembling the People for every unforeseen and accidental Contingency, would be found very inconvenient, as well as that the Occasion might be such, as could not, though of the greatest Consequence, wait upon the Delays and Difficulties which must naturally happen, before the Society could convene or determine; a Power becomes of Necessity vested in the Magistrate, to legislate and act in such occurrent and extrajudicial Cases, according to the Tenor of the original Compact, for the publick Good and Advantage.

AND this Power is what has been properly called PREROGATIVE of Magistracy. Prerogative is then no more than a Power to do Good WITHOUT LAW, of which the Magistrate cannot be divested, without endangering, if not destroying, the Community, and to which consequently he has a Right, founded on the main End and Aim of Society, the Good of Mankind, with which it is absolutely congenial.

YET still the Right of exercising this Power of doing Good, like the Right to all other Earthly Power, is derived from the Appointment and Consent of the People. (*b*)

FROM the foregoing Deductions it will also follow, that in Cases subject to the Prerogative,

(*b*) Without which Consent there would be no Reason, that one Man should take upon him to be Lord or Judge over another.

Hooker's Eccl. Polit. lib. 1, sect. 10, p. 26.

as just now explained, (being as yet provided for by no established Law,) and for which sufficient and equal Provision may be made, as soon as a just and perfect Knowledge of the Nature and Necessity of the same may be had ; on any future Convention of the People, publick and universal Consent may regulate this also by Law, for all future Occasions. Prerogative being only of two Evils the least, complied with from Necessity, and founded on the Errors and Ignorance of Men ; whereas Laws result from Knowledge and Prudence.

HENCE also we learn, that to intitle the Magistrate to act by Virtue of Prerogative, it is requisite the Case be at present such, as no established Law can be said to provide for; that it be of Moment to the State, and that it cannot admit of the Delays incident to the Deliberation and Inacting of the Legislative Assembly.

It might possibly be objected, that according to this Explanation and Theory of Prerogative, the Magistrate may turn this Power of acting without Law, to the Disadvantage, nay even Destruction, of the Society, as he must be supposed absolute Judge of those Requisites, which intitle him to act by Virtue of Prerogative. But this is also an Objection against his being intrusted with the Administration of the Laws themselves, for these also may be invaded or perverted, and only serves to shew, that all Things even the best are liable to Abuse ; of which Abuse

buse the Community are not left without Redress; to them whose Stewart, Trustee and Delegate the Magistrate is, he becomes accountable for every Neglect of Justice, every Invasion of publick or private Property, every Evasion or Per-
 version of the Laws : they are the sole Judges and may redress, either by removing for Incapacity, or punish for wilful and actual Transgression. To (c) what Purpose else would the People enact Laws, and appoint in their Name and Stead an Executor of them, if this Executor should have Power to alter, transgress or invade these Laws at Pleasure ; or, which is the same Thing, without being subject to be made accountable by and to the People for his Conduct? Without this Power, it could not be said, so far as respects the Magistrate, that the Society had any Laws at all. We could not suppose him to be directed by any Thing but his own arbitrary Will and Pleasure. In this Manner, every Action of the Magistrate, in extrajudicial and extraordinary Cases, is subject to the Inquiry of the People ; whether such Action, without Law, be according to the Legitimate Idea of Prerogative, FOR THE PUBLICK GOOD AND ADVANTAGE ? The People are Judges what may be for their Good and Advantage. Prerogative intitleth the Magistrate to do only Good without Law, consequently the People may

(c) Vide Fatal Consequence of Ministerial Power.

reprehend

- (d) reprehend for any Extrajudicial Action of the Magistrate, whereby the Publick hath been injured, as if an established positive Law had been invaded and violated, this being an Action warranted neither by Law nor Prerogative, for as has been often said, Prerogative gives a Power to do, ONLY GOOD, without Law.

THERE may be some, even at this Day, ready to observe, that the People can not determine whether any particular Exer tion of Prerogative, be for the publick Good and Advantage, as they ought not to be both Judge and Party ; if indeed the Laws and the Right to administer them, was a Deposite received by the Magistrate from a third Hand, to whom it belonged, and that the People and their Magistrate, where to have a mutual, or joint Property in the Be-

(d) If Princes exceed their Bounds, *i. e.* the Bounds which the Laws and the good of their Subjects prescribe them, they may be resisted even with Power ; for there is no greater Honour nor Obedience to be given to Princes, than God hath commanded to be given to Father and Mother. If Children join together against their Father, stricken with a Phrensy, and seeking to slay his own Children ; apprehend him, take his Sword from him, bind his Hands, &c. till his Phrensy be over-past, do they any Wrong ? or will God be angry with them, for hindering their Father from committing horrible Murther ? Even so, Madam, if Princes will murder their Subjects, the Children of God, their Cruelty is but a mad Phrensy ; to take the Sword from them, &c. is not Disobedience, but just Obedience ; because it agreeth with that first Law of God and Nature, Self-preservation ; vide JOHN KNOX'S CONFERENCE WITH QUEEN MARY ; in Calderwood's true Hist. of the Church of Scotland, P. 31.

nefits

nefits arising from the Exercise of it ; I would readily grant, when a Dispute should fall out between them, about the Exercise of THIS, which was for their common Advantage, their Arbitrator could be no other than the Donor.— And when ever a Magistrate should produce his Patent from Heaven, authorising him to govern any People, I shall not scruple to divest them of that Right, which I have supposed they possess, to judge and determine about the Actions of their Magistrate. But till then, as we must derive to the Magistrate his Right of Administring the Laws, and acting by Prerogative, from the Appointment of the People ; so in all Questions between them and him, we must admit they are as much the Arbiters, as a Master over his Steward, and have the same Right to reprove and turn out, that he has. For my Agent is accountable to me for the Conduct of my Affairs, and I have an undoubted Right to take that which is mine, from under his Management and Direction, whenever I apprehend he has misused my Confidence in him. (e)

It must be acknowledged that the Magistracy, under such Limitations, would be by no means

(e) For who shall be Judge, whether his Trustee or Deputy acts well, and according to the Trust reposed in him, but he who deposes him, and must, by having deposed him, have still a Power to discard him, when he fails in his Trust ? Lock's second Treat. concerning Govern. P. 306.

a desirable Office, liable to Punishment and Re-proof for every Error of Judgment, as well as voluntary Offence and Transgression, must make few willing to invest themselves with the Character of Magistrate.

As an Indemnity thereof for the Failings of Humanity, the Society are willing to impute every Invasion of the Laws, even mistaken Exertion of Prerogative, to the Advisers and immediate Executioners of such illegal and hurtful Acts and Decrees of the Magistrate; and these only will be deemed culpable. (a)

LET it not be imagined that by resolving the whole Right of Legislating into the People, and giving them a farther Right to proceed on their first Principles of enacting, where Defects or Inconveniencies arise, from the Want of positive and established Laws in particular Cases, that no more remains to the Magistrate, than the mere Execution of such Laws as shall be for certain Cases appointed by the Consent and Decree of the People. So sudden and uncertain are human Alterations, and so limited the Foresight and Providence of Man, that a Sufficiency of Subjects must be constantly creating, or produced, for the Exertion of this Power, com-

(a) The Commission or Command of any Magistrate, where he has no Authority, (and he can have no Authority to act against Law, or the publick Good,) being as void and as insignificant, as that of any private Man. Lock's second Treat. concerning Govern. P. 280.

mitted to the Magistrate, by Reason and Necessity, of acting, in Cases, for which has been made no especial Provision, according to the Dictates of his own Wisdom and Prudence, for the publick Good and Advantage. And tho' Provisions should be made every Day for one Case or other of this Kind, by express and established Laws, yet others must arise, as much extrajudicial as the former. Nay such is the Nature of Things, that in certain Cases by Laws to limit, specify or direct the necessary Operations, would be not only repugnant to Reason, but also destructive to the Society and their own Ends. Such must for ever remain subject to the Prerogative of the Magistrate. To throw the stronger Light on the Doctrine here insisted on, I shall instance a few of this Nature.

As Men multiplied and spread themselves over the Face of the Earth, many, by being remote from the Seat of Authority, were but lightly affected by the Influence of Government; for the *Vis*, or Power of the People, collected in the Magistrate diminisheth, as the Distance therefrom is increased; whence those at the utmost Extremes, but weakly connected to the rest of the Community, will easily break off from the Body, and by the Tendency Men necessarily have to each other, collect themselves into a new and more compact Society, independent

dent of the former, and subject to their own Laws and Regulations.

Now tho' the Interest of Mankind be but one and the same, yet as Individuals jarr in their Pursuits, and often run counter to the public Weal, for apparent private Benefits, so Neighbouring States, that should be connected by one common Band of Humanity and Benevolence, are often set at Variance by the Ambition; Avarice or Intemperance of their Governors, nay even of private Persons; whence must insue Invasion of Property, with Reprisals for Damages suffered, till actual War and Hostility be commenced for the Redress of supposed Wrongs, or the Recovery of real or imaginary Rights, and Possessions.

Now for the People to limit or prescribe by written and established Laws, the Occasion, Time, Place, and Manner, according to which the Magistrate should be directed, when he comes to exert the Power and Strength of the Community, against foreign Invaders, would be absolutely repugnant to the Nature of the Thing itself, and inconsistent with the End and Aim of Society, the Preservation and Happiness of the Whole, and every Individual. For as the Causes and Occasions of War must be infinitely numerous, so likewise must the Manner, Time and Place be various, when, whereby or wherein, it will be most expedient to prosecute the same.

Whence

Whence for ever must remain to the Magistrate an EXCLUSIVE RIGHT, of declaring Peace and War, and indeed of transacting most of the publick Business, which relates to their Neighbours, according to his own Wisdom for the publick Good and Advantage— and even here, what was before asserted, that Prerogative was founded on the Errors, Ignorance and Incapacity of Man, is plainly established; because could the Manner, Occasion, &c. be particularly pointed out by Laws already enacted, for regulating the Conduct of a War, or did the Nature of the Thing give Time for the Assembling and Deliberating of the People, it would certainly be securer and more advantageous to the Society, that their Dictates should in this Case also prescribe the Operations of the Magistrate. I have said an EXCLUSIVE RIGHT was lodged in the Magistrate, of declaring Peace and War; but I would not thereby be understood to deprive the People, when collected as a Legislative Body, of all Right to advise Proceedings, or act in Cases of this Nature. What I mean is, that the Magistrate, by the Necessity of the Thing itself, is impowered to act on these Occasions, by Virtue of his own, and independent of any other, Authority; but still so, that the Tendency of his Actions be for the publick Good and Advantage. Whence we find, that should he delay or neglect to Act on such Occasions, the People may, hav-

ing all Authority in themselves, proceed to advise, nay even constrain him to act, as may be, in that Particular, for the Good and Advantage of themselves. Otherwise the Society might be destroyed more effectually, by the Indolence or Timidity of one Man, than by the slow Deliberations, and slower Execution, of the Multitude.

THE other Cases I intend to mention, where the Power of the Magistrate could not be limited, by express established Laws, without manifestly hurting the Society, are taken from the Internal or Domestic Government of the State. Many more might be produced of the same Nature; which would also serve to confirm my former Assertion, that Prerogative was founded on Necessity and the Ignorance and Errors of Men, for their Good and Advantage. But my Business is not to enter into a particular Detail of the whole Design and End of Government, a few Instances, whereby the Nature of this present Subject may be illustrated, shall suffice for my Purpose.

As a Legislative Body the People cannot, either they or their Representatives be always assembled; the Thing itself would be impracticable and indeed useless; (*b*) because there is no Occasion to be always making Laws, tho' it is necessary they should be always administering, and executing; but tho' the People can not, nor

(*b*) Vide Lock concerning Government.

need

need not, be always collected in this Capacity, yet there must come a Time, when they ought to be assembled, either to repeal old Laws disused, or grown by Length of Years, and human Uncertainty, hurtful, or enact new, become needful on the same Account ; yet still it is impossible for them to foresee at what Intervals they ought to assemble, and what might be the Occasion of their Meeting ; whom then does Reason and Expediency direct to entrust with the Power of calling them together, but with those who are ever present, and whose Business it is to watch over the publick Good ? Hence also the Power of convening the Legislative Body of the People is another Branch of Prerogative.

It must be observed, that this Power of calling together the Legislative Assembly, gives no Superiority to the Executive, over the Legislative Part of the Society, because this Power, like all other Branches of Prerogative, is A FIDUCIAL TRUST REPOSED IN THE SUPREME EXECUTOR OF THE LAWS, FOR THE SAFETY OF THE PEOPLE, IN A CASE WHERE THE UNCERTAINTY AND VARIABLENESS OF HUMAN AFFAIRS COULD NOT BEAR A STEADY AND FIXED RULE ; (a) consequently the Abuse of this Power is a Breach of Trust and Faith with the People,

(a) Vide Lock's 2d Treat. concern. Government. p. 247.

whereby

whereby, so far as depends on the Magistrate, the Government is dissolved, and the Power devolved into the Hands that gave it, which they may exercise for their own Safety. (*b*)

To relax the Rigor of the Laws, nay even to remit the Punishment due to Transgression, and to pardon the Offender, is another Prerogative of that Kind we have been treating, arising from Necessity and Expediency, as do all the rest. The Intention of the Culprit, the Circumstances of the Crime, may be, no Doubt, Mitigations in Favour of the accused, as well as the Manner and Occasion of the Prosecution, and these may be so multiplied in themselves, and so complicated with other Circumstances either for or against the Offender, that to make Exceptions by general established Laws for such accidental Contingencies, would be altogether impracticable, and defeat the very End and Aim of the Laws themselves. And yet such Mitigations may very well be supposed in Behalf of a Person, by whom the Letter of the Law has been absolutely and peremptorily invaded, that were he arraigned before the Tribunal of the People, he

(*b*) For all Power given with Trust, for the attaining an END, being limited by that End, whenever that End is manifestly neglected or opposed, the Trust must necessarily be forfeited, and the Power devolve into the Hands of those that gave it, who may place it anew where they shall think best, for their Safety and Security.

Lock's 2d Treat. concern. Govern. p. 243.

would

would be most certainly acquitted ; they having in themselves Authority to declare what are Breaches of their Laws, and to interpret, for the Sake of Mercy, as well the Intention of the Laws, as of the Offender. Now if it be more eligible that ten guilty should escape, than one innocent Person suffer, it is but reasonable and necessary, that a Power of interpreting IN THE SAME MANNER, AND FOR THE PEOPLE, should be committed to the Magistrate, whereby he may be enabled to protect the Innocent. Nevertheless if it should so happen, that a Culprit is condemned by the Voice of the People, as a Legislative and Judicial Assembly, it will not be requisite that the Magistrate should have Power to grant any Indulgence, because the whole People are supposed more adequate Judges of the Offence, as well as the mitigating Circumstances, than one or a few ; and they having condemned him, the Convict must be deemed worthy of Punishment, consequently there can be no Room for Mercy or Prerogative ; Prerogative being but a Power to do good without Law, a Power necessarily arising from the Nature, State and Condition of Man, and which, being essential to his Happiness and Safety, derives to him the most perfect Freedom he is capable of enjoying ; and to the Exercise of which he is morally obliged to submit, being the Ordinance of God,

easily

easily comprehended by his Reason, and manifested in his own Bosom.

FOR if God willeth the Good of his Creatures, and if that Good, in the present Frame and Constitution of Things, be attainable only by living in Society and submitting to external Regulations founded on Reason and Justice ; and if this Submission is only to be procured by investing one or more with the Execution of these Regulations, and also with a Power to act for the publick Benefit and Safety, where no Regulation has been made ; it follows, that this Power to do Good without Law, called Prerogative, is the Appointment of God, to which we must submit, because the Will of God, when it can be known, becomes a Law to Man.

TRUE it is, Men may associate themselves together, without entering into any Conditions with each other, than that they all submit to the absolute Dominion of one Man, and without Limitation on his Part, which they have as good a Right to do, as I to become the Servant or Bondman of any one ; and each Individual is as positively obliged to every Ordinance of this absolute Master, as he would be to the Laws in a free State ; because his Submission to the Will and Command of this Magistrate, is his Part of the Contract, which he pays for the Benefit he receives from the Fellowship of those he is associated with ; nor can he, in any Respect, withdraw
his

his Allegiance from that Magistrate, so long as the Society, or a great Majority of the Society, consent to remain under this Administration, and he continues a Member of that State. (c).

BUT as the Power of the Magistrate is, in this Instance, extended far beyond the natural Bounds prescribed by Reason, and the Good of Mankind, the People in general may reduce it within it's natural Limits, being under no other Obligation to admit this extraordinary Extension, but their own Consent ; seeing that such a Plenitude of Power might be turned to the Hurt or Destruction of Mankind, when in the Hands of a frail or ignorant, not to say, wicked, Director ; and where is he who sets up for Infallibility, infinite Wisdom, Goodness and Justice, the only Qualifications which can intitle any one to the Government of others, unless it be by their own Consent ?

EVEN should we have the clearest Conviction of the Goodness and Wisdom of any Man, mere Man, we are not obliged by the Laws of Nature, that is, the Voice of Reason, to submit to every

(c) Every Man that hath any Possession or Enjoyment of any Part of the Dominions of any Government, doth hereby give his tacit Consent, and is as far forth obliged to Obedience to the Laws of that Government, during such Enjoyment, as any other under it ; and in Effect it reaches as far as the very Being of any one within the Territories of that Government.

Lock's 2d Treat. concern. Govern. p. 223.

Thing he shall prescribe to us: We are obliged to be virtuous, let who will explain the Duties, or put us in Mind to observe them ; but these Duties do not derive their Obligations from the Wisdom, Goodness, or Justice of those who explain or promulge them ; they are obligatory, because they are the Commands of God, declared to our Reason by their own Expediency and Utility, and wherever this Expediency and Utility appears, we are bound to follow ; but till that be manifested to us, the Command of the wisest and best, nay even of a Being superior in his Nature, yet liable to Error, may be virtuously withstood, or the Execution of them at least suspended ; because the wisest and best fallible Being may command Things, which to perform, would be destructive to myself or others.

To establish the Principles laid down in the former Part of this Letter, it is by no Means necessary to shew, that Men have associated themselves together, in the very Order, Manner and Form here set forth ; at present, 'tis enough to observe, if Society and Subordination or Government be instituted and complied with, for the Good and Advantage of those who constitute the Society, and consent to the Government ; then this Government and Society may, and ought, be made as conducive to this End, the Good of the Community and Individuals, as the
Nature

Nature of the Thing will admit. Which we apprehend is what has been attempted by the little History given of ALL, Men by God and Nature have a Right to do, with Regard to the Limitation of a Magistrate; and also of all a Magistrate can claim as belonging to his Office.

—But as Government ariseth from the Imperfections of human Nature, we must expect the various Forms which shall happen to be established in different Societies, will be more or less perfect, as the People are more or less depraved. Yet still under whatever Form of Government a Man finds himself placed, 'tis the exprefs or tacit Consent he gives to be governed by that Magistrate or Body of Laws, which sanctifies their Authority over him; a Consequence of which is, he may make what he pleases the Terms whereon he chuses to consent; and in this is implied the Right of making Laws for his own Conduct. Now if such Laws made by the People, and founded on Reason and Justice, be executed in Virtue of their Appointment, and the Executor, as far as he can be, limited to the Execution of these Laws, then we have a Society formed, if not in the Manner, at least on the Principles, pointed out in this Letter.

BUT if it be still objected, that because we have not shewed when Men ever did enter into Society and Compact with each other, frame their Regulations and Rules of Conduct, and

also appoint in their Name and Authority, an Executor and Superintendant of these Rules or Laws, that they never did associate, make Laws, or appoint an Executor of them ; and consequently that they have no Right to do what they never DID. Though this be but a trifling Argument, and false Conclusion, yet to remove all Manner of Doubt, we can produce from *Justin* a Matter of Fact to the present Purpose.—He says,---(d) the *Partheniæ*, a Part of the People of *Sparta*, having TAKEN *Phalantus* for their Leader, go and seek a Settlement for themselves ; when after various Accidents and Adventures, they expel the Inhabitants of *Tarentum*, and seize upon that City. Moreover, we find, that *Phalantus*, in Process of Time, banished to *Brundisium*. From which Fact, so lamely related, we may conclude, the *Partheniæ* not only chose *Phalantus* for their Governor and Conductor, but also looked upon him as accountable to them for his Conduct.

Those by whom this will not be admitted as a sufficient Answer to the above Allegation, are desired to turn their Eyes on the British Government, the History and Maxims of which are the best Justification of those Principles ; as on them it is particularly, and Point by Point, founded ;

(d) Lib. III. Chap. iv.

or rather, as the Critic draws his Rules for Epic Poetry, from a Piece already finished; these Principles have been extracted out of the very Effence and Spirit of the British Constitution.

To multiply Quotations and Examples would be needless; as we may easily trace from the dark Accounts conveyed to us, of the first Saxon Conquerors, Founders of our Civil Polity, that their Leaders were either such as the People had called to that Office, or Adventurers, under whom they voluntarily enlisted themselves, upon certain Terms and Conditions for their mutual Profit and Advantage; and we find the Saxons when become a People in Britain, exercising this their Right of Appointing, Changing, and Electing their own Governors or Kings. Osred IId. being CHOSEN King of the Northumbrians, in the Year 789, BECAME SO CONTEMPTIBLE THAT HE WAS SHUT UP IN A MONASTERY in the first Year of his Reign. (e) The People of *Essex* and *Middlesex*, ERECT THEMSELVES into a Kingdom, under the Name of *East Saxons*, in the Year 512, during the Reign of *Osta* King of Kent, of which these Counties made a part. In *Wessex*; *Sexburge* Widow of *Cenowalch*, Reigned one Year (672,) and was then DEPOSED because the West Saxons THOUGHT IT A DISHONOUR TO OBEY A WOMAN.

IN 688, *Cedwalla* left two Sons, who did not

(e) G. Malm L. 1. C. 3.

succeed

succeed him by REASON OF THEIR TENDER AGE. In 727 *Adelard* was placed on the Throne by the CONSENT of the Assembly-General. In 754 *Sigebert* was PUBLICLY DEPOSED BECAUSE he ordered a certain Count to be put to Death, who expostulated with him about his Conduct.

IN 799, *Britbrick* being poisoned by his Wife; before the West Saxons proceeded to ELECT a new King, THEY MADE A LAW prohibiting the Wives of future Kings from taking the Title of Queen, or sitting on the Throne, with their Husbands, and if any King should DISPENSE with the Observance of it, he should be, ipso facto, DEPRIVED OF HIS ROYAL RIGHTS, AND HIS SUBJECTS ABSOLVED FROM THEIR OATH OF ALLEGIANCE. About the Year 819, the East Angles Revolted from the Mercians, took up Arms and CHOSE a General, whose name Historians have omitted. About the same Time, the Mercians ELECTED a King Named *Ludican*, after whose Death being DETERMINED TO CHUSE A KING OF KNOWN VALOUR, they pitched upon *Witglaph*. (a)

BUT moreover the Antient form of Coronation, still observed, is as much to the Purpose; for the People were asked, if they would have the PERSON BEFORE THEM TO BE THEIR KING?

(a) Rapin. Hist. of England, Vol. I.

and upon their (b) CONSENT the Coronation proceeded. Also before the King was sworn it was demanded of him, whether he would DEFEND his People, PROTECT them and GOVERN ACCORDING to LAW? upon promising and swearing which, he was Crowned, and received Homage. By the bye I believe his late Majesty, and King William, were both better pleased to rest their Title to the British Scepter, on an Act of Parliament, than any chimerical, intrinsic Right, supposed to arise from their own Persons.

BUT as our Fore-fathers not only claimed possessed and exercised a Right, and Authority to elect whom soever they thought most fit and proper for their Magistracy; so also if we attend a little to the Maxims, and Fundamentals of our Policy; it will be pretty plain, that this Person, so called by them, was only, when in Office, an Executor of their own Laws; which they also preserved a Right to Enact, Repeal or Alter, and by which alone they were to be judged and restrained. For 'tis a Maxim in the British, and it was a Maxim in the Saxon Policy, THAT THE PEOPLE ARE NOT ONLY TO BE GOVERNED BY KNOWN AND ESTABLISHED LAWS, BUT ALSO

(b.) The Consent of the People was, among the Saxons, delivered by clattering their Arms, a noise equivalent to our clapping and huzza.

BY SUCH KNOWN AND ESTABLISHED LAWS ALONE, AS THEY THEMSELVES HAVE MADE OR CONSENTED TO. And farther as a Security against the Incroachments, which those who have the Exercise of the Power of the State, might be inticed to attempt against the Liberty of the Subject; our wise Fore-fathers provided by another Fundamental of our Constitution; that NO ORDER OF THE CHIEF MAGISTRATE, THE KING, SHALL INDEMNIFY ANY SUBJECT, BE HE NEVER SO HIGH IN STATION, FOR ACTING CONTRARY TO LAW; OR PUT A STOP TO, OR PREVENT, THE EFFECTS OF AN IMPEACHMENT IN PARLIAMENT. (b) Yet still to give the greater Weight and Dignity to the Laws, their Executor is made sacred in his Person, by that equally wise Maxim; THE KING CAN DO NO WRONG. And indeed little Detriment can befall the Publick from this Indulgence, when granted to the most wicked and abandoned; because it is not in the Power of a single Man to do any considerable Damage, to the Community, in his own Person, and the Maxims, just before mentioned, sufficiently secure the

(b) For the King's Authority being given him only by the Laws, he can not empower any one to act against the Laws, or justify him by his Commission in so doing; THE COMMISSION OR COMMAND OF ANY MAGISTRATE, WHERE HE HAS NO AUTHORITY, BEING AS VOID AND INSIGNIFICANT AS THAT OF ANY PRIVATE MAN. Lock's second Treat. concerning Govern. P. 280.

People

People, against the Extension of his Malevolence; by means of any other Hands; which makes it the same to the People, as if they had a Right to call their chief Magistrate to Account, and reprove him for his Conduct. And hence, to avoid Confusion, we have all along spoke as if the Magistrate was accountable in his own Person; whereas only his Decrees, and the Executors and Advisers of them, are really liable to Examination and Censure.

DAILY Practise confirms to the People another Privilege, which, with those already mentioned, comprehends every thing Essential to their Liberties, and that is, the Power of making new Laws, for Cases as yet unprovided; and also to repeal and alter old Laws, become by Length of Time inconvenient.

HERE then we have a Society, and Form of Government, founded on, and supported by, the genuine Dictates of Reason and the Laws of Nature; in which so far forth as it has been considered, the Principles and Doctrine, contained in the former Part of this Paper, are verified and illustrated; every individual possessing all the Liberty and Independence, the Nature of Man is qualified, in the present Frame and Condition of Things, to enjoy. Governed by Laws which he himself hath made; by Laws executed in Virtue of his own Appointment; and protected from

the Encroachments of Power, and the Perversion or Evasion of these Laws.

WE acknowledge the Crown of Great Britain to be possessed of more than the Execution of the Laws, and the Rights of Prerogative. Certain Privileges are annexed to it, of which the most remarkable, and of greatest Consequence, is, the NEGATIVE, which the King may put on all Acts of the Legislative Assembly, whereby, so far, he becomes a Part of the Legislature; and of this, and other Privileges, the Crown cannot be divested without dissolving the Constitution, tho' they are by no Means necessarily connected with the Nature of Man and Society, or the Office of executing the Laws. But still these fundamental Rights remain to the People, of making their own Laws, and calling the Servants of the Crown to account. The People of England are not obliged to submit to any Law without their own Consent, nor can any Law be altered, or repealed, without their Approbation.

HOWEVER, even in Britain, this must be read with some Abatement; because the Nature of Man is such, that a Power to do Good without Law cannot be taken from any Magistrate, as has already been shewn, without prejudicing, nay dissolving and destroying, the Society, while there remain any Cases, for which express and established Laws have not been provided, (and such there must ever be, while Men are ignorant

ignorant and fallible.) Because Society being a State, into which Man is obliged, by the Law of Nature, Self-preservation, to enter, he can have no Right to remove or abolish, *i. e.* deny his Obedience to, that on which the Essence of this State so absolutely dependeth. Whence for ever there must remain to the Crown of Great Britain, (in Virtue of its executive Character,) a Right TO DO GOOD WITHOUT LAW, that is to act in extrajudicial Cases for the publick Good and Advantage, WHICH IS PREROGATIVE, founded on Reason, Necessity and Expedience.

HENCE, “ whenever a Question shall arise
 “ between the executive Power and the People,
 “ about a Thing claimed as a Prerogative, the
 “ Tendency of the Exercise of such Prerogative
 “ to the Good or Hurt of the People, will easily
 “ decide that Question.” Lock’s second Treat.
 concerning Government.

OF late a Question has arisen in this Kingdom, about a Matter claimed as a Prerogative by the Crown, and denied to be such by the People ; and as it is a Thing of great Consequence, whether we consider the Import of it, or the Disturbance it has occasioned ; I presume it will not be mispending Time, to consider the Question according to the Principles laid down in the Course of this Paper ; by applying it to the Rule we have now established, as the Standard and common Measure of all just and reasonable Prerogative.

BUT before we set about this Question, it may be necessary to premise, that tho' the Constitution of England and Ireland in some Respects differ, yet in the present Case, and all that has been said on the Head of Prerogative, they are perfectly alike, if not the same ; and that whatever Claim the Crown has in the present Question, it must be altogether founded on the Rights belonging to it's executive Character.

IN the Year 1753, a considerable Sum of publick Money was found remaining in the Treasury, after the particular specified Purposes, for which which it had been raised, were answered. It being impracticable to return this REDUNDANT MONEY, as it was called, to the Pockets of the People, from whence it had been drawn, and which they had given on a Presumption so much was necessary for those Expences, that less had perfectly supplied ; Heads of a Bill were prepared, and passed in Parliament, for the Application of this redundant, unappropriated Money, to the Uses and Advantage of the Nation. Which Application they were not permitted to make, unless by the Bill, intended to dispose of this Money, they would acknowledge, THAT NO RIGHT BELONGED TO THEM, *even to* DELIBERATE about, MUCH LESS POINT OUT, the Application of ANY REDUNDANT UNAPPROPRIATED PUBLICK MONEY, UNTILL THE K——G SHOULD GIVE THEM

A PRE:

A PREVIOUS LEAVE, BY SIGNIFYING THAT HE CONSENTED TO THEIR TAKING THIS AFFAIR INTO CONSIDERATION ; and consequently, for the Parliament to presume to deliberate about this or such publick Money, without having received the Conge, or PREVIOUS CONSENT of the Crown, was an Infringement on the just and reasonable Prerogative of the Prince, which intituled him to the sole, (and in the Consequence,) unaccountable Disposal of it.

THAT Application of such Money, (unappropriated to any particular End or Purpose,) for the manifest Ease, Safety or Advantage of the People, may be made by the Crown, we most willingly acknowledge ; because to do Good without Law is the Prerogative of all Magistrates. And while such Money remains unappropriated, the Application of it is extrajudicial, and consequently subject to this Prerogative. Yet still the Parliament are the Judges, whether this Money has been made Use of for the Good and Advantage of the People, and the Servants of the Crown are accountable.

BUT if on the Meeting of the Legislative Assembly, (no sufficient Occasion perhaps having offered to justify the Application,) this Money remains unapplied ; can it be an Infringement on the Prerogative of the executive Part of the Constitution, the very Idea of which, is that of a Body, or Person, vested with Power to perform,
and

and cause to be performed the Decrees of the Legislature, and these only, unless some sudden and unprovided for Emergency, justifies by the Danger or Expediency, the discretionary Acting of the Executor of the Laws, for the Good and Advantage of the People ; I say can it be deemed an Infringement on the Prerogative of such Part of the Body Politic, for the Legislative Assembly, of their own mere Motion, to deliberate how, or in what Manner, the Publick may be benefited, by applying to Advantage this Money, which at present lies dead, if not Burthen-some by cramping Trade, and publick Circulation ; especially as there is Time and Opportunity sufficient for them to deliberate and receive a just and full Knowledge of the Nature, Necessity and Expediency, as well as Manner, of the Application.

BUT to bring this Right of previous Consenting to the Test ; suppose the Parliament debarred the Liberty of even deliberating about, or advising, the Disposal of publick redundant Money, before the Crown shall signify a previous Consent for them to proceed on this Article, and that this is by Virtue of Prerogative ; let us see then how far the Exercise of this Prerogative tends to the Advantage or Disadvantage of the People, for that is the only Test by which we ought to decide about the Reality of its Pretensions.

INDEED

INDEED it has cost me some Pains to find out even an ideal Advantage, which the People could be supposed to receive from the Exercise of such a Prerogative ; and the only one I can pretend to build this Claim of the Crown upon, is, that if the Prince had a Power to preserve in his Hands, a Sufficiency of Cash unappropriated, and subject to his Disposal, he would be provided against sudden and dangerous Emergencies, whereby he might be enabled to preserve the State, which otherwise, for Want of such a Supply, might be destroyed, and consequently the Exercise of such a Prerogative would be for the public Good.

BUT if this says any Thing it says too much ; for the very same Reason would be as good against the Crown, when it should resolve to apply such Money to the Benefit as well as Preservation of the Nation, and thereby divest it of its Legitimate Prerogative of acting in extrajudicial Cases, for the public Good and Advantage, instead of extending its Branches.

BUT suppose some sudden and great Danger hung over the State, which might be foreseen or suspected by the Chief Magistrate, and that it was not expedient to communicate these Suspicions to the Parliament, and that they should proceed to dispose of the redundant Money, whereby the Treasury would be exhausted, and the Magistrate so unprovided, that, by a sudden Invasion,

Invasion, the State might be destroyed or subdued.

SUPPOSING all this, it does not plead much in Favour of the Right to give a previous Consent; because every Intention of this claimed Prerogative could be more effectually and constitutionally answered, allowing the Probability of the Supposition, by withholding the Royal Assent, without which no Law can be made or established.

WHAT then are the Evils we might have Reason to dread, from the Exercise of this Claim? the Benefits have not been very remarkable. If the Parliament have no Right to deliberate about the redundant public Money, untill the Crown shall be disposed to consent thereto,—I desire to know what Security the People can have, that such Money, levied by themselves, by their own Act and Deed, shall not, when at the Mercy of such a Profligate as CHARLES the SECOND, be squandered away on Pimps, on Parasites and Whores? And whether the Want of this Security would not oblige the Parliament, in their Supplies, to cramp the Crown, by levying less than would be necessary, rather than more, as the Safety, Convenience and Dignity of the State would require?

BUT farther; what Redress could the People have, though they should of a Certainty know, that the Money, which by being unappropriated, had

had been left at the Discretion of the Crown, to apply and dispose of, was most dissolutely squandered; for if we divest the Commons of a Right to deliberate how or in what Manner it may or ought to be applied, without the previous Consent of the Crown first signified, to authorise their Deliberation; they may very well relinquish all Right to enquire how it has been applied; because no Body can imagine it likely, that a Prince will signify his Pleasure, by a Kind of *Congrès d'élire*; to a then mock Tribunal, to authorise their Enquiry, when without having so done, he knows, they cannot enquire, whether that Money be still in the Treasury, or properly disposed of, which he knows has been lavished on the most infamous and abandoned of the human Race, for the worst and vilest Purposes.—Perhaps this is Prerogative: If it be, thank God 'tis the only one that can intitle the Servants of the Crown to hurt the People with Impunity. —It need not be mentioned, how much the Publick would suffer, when such a Prerogative was to be exercised by an avaricious Prince; would a covetous Man; whose Heart is set on Money, consent, and of his own Motion too, that the Parliament should open his Hoards?—No surely, at least if he did, he would not act like a private Miser: but perhaps it is for the publick Advantage, that three or four hundred thousand Pounds of the circulating

Cash of a trading Kingdom, when the whole does not exceed five hundred thousand, should be locked up in the Coffers of the Treasury? Such may be a righteous Prerogative; but the Tendency of the Exercise of it, is manifestly to the Prejudice of the People.

BUT, again—is it CONSTITUTIONAL to deprive the Legislative Body of the Power to enact, where they have sufficient Knowledge, Time and Opportunity? or can those People be said to live according to Law, THEIR OWN LAW, who are deprived of a Right to legislate in one particular Instance? and what would be the Consequence of acknowledging in a Law, that, by the Prerogative of the Crown, the Parliament were excluded from the Right of legally providing; nay even of deliberating about the Provision, for one particular Case? Whatever that would have been, such must have been our Lot, had the Bill of discharging Part of the National Debt, passed in the Form sent over by the Privy-Council of England.

NEITHER by Inclination nor Interest, am I disposed to abridge, or curtail the just Prerogative of the Crown; and satisfied sufficiently are all his present Majesty's Subjects, that to him too much Power can not be given; as in all Things the publick Advantage; has been the ultimate End of his Actions: but it is not the good Use to which a righteous King may turn a particular
Power,

Power, that should make us acquiesce in his Exercise of it; but it is the little Evil a bad Prince may be able to draw from the same, that should be the Measure of our Condescension, because there never was any Indulgence, yielded out of Compliments or Confidence, to the most upright of Magistrates, which has not been exercised, or claimed, by the most profligate Successor. But moreover, by our Situation, the Disposal of all redundant Money must be according to the Recommendation of those intrusted with the Representation of Majesty; so that be the Prince never so just and equitable, it will depend on the Honesty and Ability of the Recommender, whether this Money is properly, and wisely, disposed of. (a) “ And farther, we
 “ may suppose a Man of mean Birth, mean
 “ Education, and still meaner Habits, in some
 “ future Reign and Government, by vile Arts
 “ and worse than vile Practices, to have gotten
 “ the Management of the G——r or the
 “ G——r’s Son and S——ry, that by so do-
 “ ing he shall become absolute Director of all
 “ our Affairs, both Publick and Private; and
 “ that he may have withdrawn the Sovereign’s
 “ Ear from every Man of Sense and Honesty in
 “ the Kingdom; and that he shall have made
 “ up for himself a motley Faction, composed of

(a) Vid. Fatal Consequence of Ministerial Power.

“ WHIGS, who have BETRAYED and DESERTED
 “ their Principles of Liberty, and Jacobites,
 “ who have DISGUISED and QUALIFIED their
 “ Principles of Loyalty ; that he shall have put
 “ a JACK of his own in every OFFICE, a (b)
 “ TOOL FIT FOR HIS PURPOSE, and READY to
 “ OBEY his COMMANDS ; and every Man dis-
 “ missed from Employment, who refused to pay
 “ a FAWNING Submission to this MINISTERIAL
 “ IDOL,” and then having abused the Influence
 of this Power, by kindling War and Divi-
 sion among the People, (c) PROTECTING
 WICKED and NOTORIOUS OFFENDERS, he should
 only want, to accomplish his grand Project, of
 absolute Dominion and Oppression, some new
 and extensive Prerogatives to be thrown into
 the C——n, of which his should be the Exer-
 cise and Advantage ; and that under such Cir-
 cumstances as these, the Doctrine of previous
 Consent having been once acquiesced in, a vir-
 tuous House of Commons should on a well-
 grounded Apprehension of the bad Use, such a
 Caitif as this might make of their Complaisance,
 reject that Bill, the passing of which would be an ab-
 solute Confirmation and Establishment of Claim.
 Whereby their known Right to apply, and in-
 quire into the Application of all publick Money,

(b) See Q. and B. G. M. K. P. S. C. E. &c. &c.

(c) Vid. the enquiry concerning the State of the Barracks.

would

would be vindicated and asserted, as well, the sole End and Aim of all his Plans and Projects, (Tyrannical and Arbitrary Power,) absolutely defeated and frustrated, the Attainment of which, that Right of previous Consenting, (as it would invest him with an unlimited Power, to dispose of so much publick Money,) would have made mighty safe and easy.—Our Case would then indeed deserve Compassion; exposed to every extravagant Oppression, the Bitterness of his mortified Gall could invent, or the Strength of his Power execute. But if this Lord Paramount should CHANCE to be an Ecclesiastic, then what would signify the decrees of God and Nature, or the Wisdom of Man, in the municipal Laws of every Contry; that provides, no Man's private Interest shall be affected by the Determination of any Question, whereon he sits as Judge. Diabolical and impious as his Intentions should be, those who dared withstand his Attempts to give them Birth, would be sure to feel the Iron Rod of his Power,—if they possessed Profits and Employments in the State; these would he sacrifice to his Malice, and their Safety, and tho' they were enjoyed as purchased Properties, and the Duties of them never so little connected with that Opposition, while Reason, Conscience and Sense of their Danger, commanded them to resolve on. But whimsical and ridiculous Punishments are
ever

ever to be expected as the overflowing Venom of an enraged and disappointed Monk Priest.— Can less be hoped from him, who adding PERJURY TO PERFIDY, BETRAYS and ABJURES, BY AN APOSTACY TO POWRR, THAT RELIGION, HE HAS SWORN TO PREACH, AND TURN HIS BACK ON THAT GOSPEL, WHICH LIKE JUDAS (a) HE HAD BEEN PAID TO FOLLOW,— as did'st thou O, Righteous Cardinal? (b) “ who “ caused to hang four honest Men for eating “ a Goose on Friday, and drowned a young “ Woman, because she did not pray to our “ LADY in her Birth.” (c) Offences in the same degree is heinous, and Punishments pretty near a kin to those we have been speaking of?

OR if we suppose this future Arch Fiend, like the Priests of Jeroboam, (d) to have accidentally stumbled into the highest Honours and Preferments of the Church, with which he should be by no means satisfied; nor yet content with the Dominion, his Station gives him, over those of his own Profession, a large and respectable Body, and the Proprietor of not a single Acre, either in this or any other Kingdom, nor connected to any, the most considerable, Family, by Birth or Alliance.

(a) Judas was a Thief and had the Bag.

(b) What has been may be.

(c) Vid. Hist. of Scotland, by David Lindsay, p. 343.

(d) Jeroboam made Priests of the lowest of the People.
—No bad Way to propagate Infidelity and Immorality.

UNDER FAVOUR of that TEMPORARY Sunshine which the Weakness, or Wickedness of a transient G——r affords him, a DISCIPLE OF ONE WHO KNEW NOT WHERE TO LAY HIS HEAD; he should make Holes with the Fox, and burrow under the State. And as a publick Profession of his Faith, in those Heavenly Crowns and Kingdoms, promised by him whose DOMINION WAS NOT OF THIS WORLD, he should strive to make sure of an EARTHLY ONE, he should go about spreading Dissention and Division among the People; setting Father against Son, and Son against Father, making Bosom Friends mortal Enemies; literally sending NO PEACE ON EARTH BUT A SWORD; and if all this should be to stretch his present Influence beyond the Date of his temporary Protector, who, like the WILD-GOOSE, was but a mere Bird of Passage; and if the more surely to effect this, he should endeavour to erect himself an Influence in the House of Commons, by garbling at Elections, by Bribing, Tempting and Corrupting, and if, like Satan, on the Pinnacle of POWER, he should endeavour to seduce one of the most beloved, respected, and powerful of the Nobles, BY HIS “ ALL THESE WILL I GIVE UNTO THEE, IF THOU WILT FALL DOWN AND WORSHIP ME; (a) and if by such infamous and

(a) Vide Mr. T—— Message, &c.

barefaced Practices," Corruption and Adultery should begin to be thought Honourable, inso-much that Men would not scruple publickly to declare!—One, that he voted at an Election, for the mean Gratification of an Excise-man's Place for his Son. And another to produce Letters in publick, whereby it appeared, his Brother was to be turned out of a Lucrative Employment, and himself forfeit all Expectation of those Benefits, he had been promised, if he did not vote contrary to his Conscience, on a certain Side. (b) And if, having by such Means got some Tools into the House of Commons, he should to impose on the P——e, by Pretence to support his Prerogative, have this Question about the Right of previous Consent, again brought into the House; thereby putting the Faithful and Liege Commons under the trying Alternative of either disgusting the most Righteous and Godlike of Princes, by refusing to acknowledge, or giving up themselves and their Posterity, to the Sport and Caprice of any Hungry and Rapacious G——r, who shall chance to impose on the Weakness, or comply with the Wickedness, of a future M——, by admitting it; (which he knew the Commons could not do from a Sense of their own Safety, and a true Knowledge of the End and Intention of that

(b) Vid. Letter from a Burgess of Monaghan, &c.
Claim,)

Claim,) and that by his espousing what would be called the Prerogative side of this Question; he would have his Purposes answered, by securing to himself an Influence, as the Confidence of the Crown never fails to confer. What Benefits could the People expect from the Recommendation of such a Minister of Darkness? can it be imagined that by his Influence, which such means as we have supposed have rendered most prevalent, any Application of redundant Money would be to the Advantage of the Publick, especially when he might know, he was accountable, but as far as he pleased for the Disposal of it? Does any Body think a Power like this would be EXERCISED for the Good of the People, by one who took such wicked and unjust Means to acquire the EXERCISE of it. Who not content to imbroider the Nation, could even cramp Trade, or ruin publick Credit, to gratify his private Malice against a public Officer.

AND tho' nothing of this Kind can be apprehended in our Days; yet such there may be in Times to come, when I doubt not, there would be Wretches enough ready to ask, when the Resentment and Disdain of the Nation was kindled, and ready to burst upon such a Monster as him we have been supposing; "What is Aaron, that ye murmur against him?"—

Aaron is not a Bishop, James Kennedy, (*a*) WHO IN HIS DAYS, DAYS OF POPERY AND SUPERSTITION, WAS WONDROUS WISE AND GODLY AND WAS WELL LEARNED IN DIVINE SCIENCE, WHICH HE PRACTISED TO THE GLORY OF, GOD, AND THE COMMON WEAL OF HIS PEOPLE. He did not defy God, by an absolute Contempt for his Church, and all the Duties of the Sacerdotal Function. FOR HE, IN HIS OWN PERSON ; CAUSED ALL PARSONS AND VICARS TO REMAIN AT THIER PARISH CHURCHES ; not to go about (*b*) Tempting and Cajoling for Votes at Elections, AND CAUSED THEM TO PREACH THE WORD OF GOD UNTO THE PEOPLE ; not to trumpet out Principles of Slavery, (*c*) or else the empty Virtues, at best, but negative Vices, of their Sovereign Pontiff. AND ALSO THE SAID BISHOP VISITED EVERY CHURCH WITHIN HIS DIOCESS FOUR TIMES A YEAR. He did not Sacrilegiously absent himself from the Duties of his Function, while he revelled on the Hire ; nor did he think it enough once in THREE YEARS to visit Christ's Flock by Proxy ; while his own Attendance was employed in the Service of the Mammon of Unrighteousness and Power. AND HE PREACHED TO THE

(*a*) Lindsay's Hist. of Scotland, p. 126.

(*b*) Vide Dr. H——n's Journey to Ardee, for a Freeman of Navan.

(*c*) Vide Candid Inquiry.

PARISHIONERS, IN THE CHURCHES HE VISITED ; O ! when did our Aaron preach !—AND REQUIRED OF THEM, WHETHER THEY WERE DULY INSTRUCTED IN THE WORD OF GOD, BY THEIR PARSON AND VICAR ; it was not their Votes he required :—Careless what hold the Devil had of their Souls, provided their Bodies were subject to his Power or Pleasure. He would rather be one among Saints, than the Tyrant of Fiends ;—such was Bishop James Kennedy, worthy of his Sacred Character ; a Character dignified by God, revered and esteemed by all Good Men. And now what is Aaron ? in Tendernefs to that Religion, which his Impious and Sacrilegious Ambition has blasphemed ; and in Regard to that Sacred Function, his Apostacy to Power has betrayed : I shall not draw the Comparifon.

I Am, &c.

S—— X——.

F I N I S.

